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SUBJECT: IRAQI NSC DISCUSSES FALSE ACCUSATIONS AND THE
REHABILITATION OF DETAINEES UNDER THE AMNESTY LAW

Classified By: Charge d'Affaires Patricia Butenis for reasons 1.4 (b) and (d).

11. (C) Summary: At the March 1 National Security Council meeting, Chief Justice Medhat briefed the NSC on issues involving false accusations in the justice system, as well as the use of secret informants. The PM directed that a press conference be organized to discuss false accusations, including publicizing the punishments for those found guilty of this crime. The NSC reviewed questions from the Council of Representatives (CoR) involving the proportion of police in various provinces, and discussed Camp Ashraf. The Ministry of Justice briefed the NSC on a study concerning the rehabilitation of detainees released under the Amnesty Law, and the PM determined that the Council of Ministers Secretariat would follow up on the establishment of a rehabilitation center due to need to coordinate among various ministries. End Summary.

False and Alleged Accusations

12. (C) The meeting began with a lengthy discussion of a rule of law topic - "false and alleged accusations." The Chief Justice (CJ) led this discussion, noting that false accusations violate the law against creating evidence and undermine the judicial process. He said this crime should be punished by a prison term of five years or less and a fine. He stressed that it is a crime only if the individual knows that the evidence he is giving is false. The CJ also said this issue requires education and that there would be a press conference and television interview to increase public knowledge of the problem of making false accusations and the punishment for this crime.

13. (C) The Chief Justice distinguished between false accusations and the use of secret informants. The Minister of Interior noted that secret informants are frequently used and are necessary. The Chief Justice noted that this can be abused, and that traditionally, secret informants were used in crimes involving state secrets and economic crimes. In response to a question from the National Security Advisor Mowafaq Rubai'e, the Chief Justice said that courts would not permit a person to be a witness unless he can be questioned, stressing that this is necessary for the integrity of the judicial process. The Chief Justice said he believes this is overused and that it presents challenges to judges who have to evaluate the credibility of secret informants.

14. (C) The CJ noted that he was in Basra several days earlier and that the stricter use of secret informants has led to a decline in false accusations and overall improvement in the rule of law. The Interior Minister defended the use of secret informants as critical to pursuing criminals and terrorists in the current situation, but underlined that judges must verify the identity and credibility of these informants. The Prime Minister stressed the danger of allowing false accusations against people. DPM Barhim Salih asked how defense attorneys can

challenge the statements of secret informants. The CJ stressed that the security services must investigate and ensure that the information provided is accurate. He emphasized that judges have the power to exclude evidence from secret informants if they are not satisfied with the credibility of the information. The CJ further stressed that if secret informants are unwilling to appear before a judge, then their information should not be taken into account.

15. (C) The Prime Minister stressed that judges must be asked to follow up on false accusations, and try people for this crime as a deterrent. However, he acknowledged that the use of secret informants is important and said that the press conference will not deal with that issue. The Prosecutor General noted that the criminal law makes it a crime to falsely accuse someone, but only if the witness knows that the information is false. Therefore, he said, it can be difficult for a judge to assess whether someone knowingly provided false evidence. The CJ replied that this underlines the importance of the security services carefully investigating all accusations before presenting the case to the judge. The Minister of Defense commented that while MOD forces act on arrest warrants, they do not have an investigative capacity -- that needs to be handled by MOI.

Distribution of Iraqi Police by Province and Percentage of Population

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16. (C) The meeting turned to the question of the proportional number of police in each province, in comparison to the population of the provinces. The PM asked why this issue was put on the agenda. The Interior Minister noted that this was raised at the NSC meeting several weeks earlier (Note: At that meeting, the PM told the MOI and MOD that it would not be possible to increase numbers due to budget constraints. End Note). The MOI noted that the CoR's Security and Defense Committee had raised questions about the numbers of police in various provinces, questioning why some (such as Anbar) were higher, and others lower. They had also complained about the "militarization" of Iraqi society.

17. (C) The Minister of Defense said that the security situation in the provinces varies. General Odierno also stressed that it is important to consider the number of Iraqi Army in each province, considering the fact that the IA is currently performing an internal security function. In the future, when the IA is focused on external security, it would be more appropriate to examine the proportion of police to population in the provinces.

18. (C) The meeting continued to discuss the proportion of police to citizens, including the proportions in foreign countries such as France and the U.S. The PM noted that the GOI must take into account the upcoming reduction of U.S. forces, but added that there are currently an adequate number of forces and that the GOI does not intend to increase numbers. The MOI noted that his ministry's plans included a large number of individuals who would be protecting oil infrastructure, and that as of March he would not be responsible for the oil police. The PM advised the MOI to brief the CoR Security and Defense Committee on specifics involved with the ministry's hiring plan, in relation to the CoR's consideration of the MOI budget.

Camp Ashraf

19. (C) NSA Rubai'e raised the issue of Camp Ashraf and the

MEK. The MOD noted that trailers were being set up inside the camp. (Note: The Ministry of Human Rights is conducting a survey and requires a neutral location to interview camp residents. End Note). The PM asked what control exists over camp residents, and why one MEK member was meeting with "the resistance." Rubai'e said that this case was under investigation, and suggested that residents should perhaps be transferred from Ashraf. The MOD said that there is no other suitable location, but Rubai'e replied that a location near Ramadi was possible.

Rehabilitation of Prisoners Released under the Amnesty Law

¶10. (C) An employee of the Ministry of Justice briefed the group on an MOJ study concerning the rehabilitation of individuals released from detention under the Amnesty law. She stressed that the subject is sensitive, involving both the rehabilitation and follow up of detainees after their sentences are complete. She said the goal of the MOJ study was to look at how to ensure that detainees cannot endanger society. One problem is the lack of a comprehensive database of detainees, and that rehabilitation programs currently in place are weak. The GOI needs to address the economic, health and psychological aspects of rehabilitation. Prisons are overcrowded, although she noted that there are plans in place to increase the number of beds in prisons.

¶11. (C) She said the MOJ recommends a national program to follow up on detainees. Participants should include the Sunni and Shi'a endowments, the MOJ, and Ministry of QSunni and Shi'a endowments, the MOJ, and Ministry of Labor. There also needs to be a unified database.

12 (C) The PM asked about the rehabilitation center. He said that if detainees are not properly rehabilitated but are released, this will create a serious security problem. The MOI noted that there is a major problem in that prisoners identified for release spend 2-3 months in transfer centers after being in overcrowded prisons. The MOJ replied that this problem is related to delays with the police, in that the MOJ is required to check whether detainees have other charges against them before they are released and the police fail to respond in a timely fashion. MOJ stressed the need for a unified database to remedy this problem. The MOI replied that this is related to the lack of electricity. The PM told the ministries to resolve this between themselves, and admonished MOI not to blame the MOJ.

¶13. (C) The PM also asked who is responsible for the

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rehabilitation center. MOJ noted that it has not yet been established, and that it requires involvement of MOJ, MOI, the Sunni and Shi'a endowments, the Ministry of Health, the Ministry of Labor (related to employment), and experts in psychology. The PM suggested that the Council of Ministers Secretariat take responsibility for overseeing establishment of the center, given the number of ministries involved.

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